



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AFSCME, COUNCIL 93/TOWN OF JAFFREY :
PUBLIC WORKS DEPARTMENT :

Petitioner :

CASE NO. A-0542

and :

DECISION NO. 88-40

TOWN OF JAFFREY :

Respondent :

Representing AFSCME, Council 93:

James C. Anderson, Staff Representative

Representing Town of Jaffrey:

Robert R. Tawney, Representative for the Town
Rick Forcier, General Foreman

BACKGROUND

February 18, 1988 James C. Anderson for Council 93 American Federation of State, County and Municipal Employees petitioned PELRB for Certification of a bargaining unit consisting of seventeen (17) employees in the Public Works Department including the Superintendent of Water and the position of General Foreman of the Highway Department. The petition submitted fulfilled the requirements of RSA 273-A:10. Representative for the Town, Robert R. Tawney objected to the inclusion of the above two positions on March 2, 1988 by written response to the petition alleging that both position's duties involved significant supervisory and management authority over other members of the proposed unit.

A unit determination hearing was held in the Board's office in Concord April 21, 1988.

At the beginning of the hearing, Anderson for AFSCME and Tawney for the Town stated that they had mutually agreed on the unit, except the position of General Foreman which was still in contention.

Rick Forcier the General Foreman called as a witness by AFSCME testified he had been employed in the Public Works Department for fourteen (14) years and worked and felt a community of interest with members of the proposed unit.

Forcier questioned by the representative for the Town stated he had been promoted to Foreman in 1984 and supervised eighteen (18) employees and also worked along with them at times. Forcier further testified that he had responsibility for discipline and promotion of the eighteen (18) employees and spent approximately 25% of his time working alongside the employees and 75% was devoted to supervisory functions.

FINDINGS OF FACT

After considering written and oral testimony present at the hearing, the composition of the unit is as follows:

All full-time and part-time employees of the Public Works Department; namely:

Highway Department: - Mechanic, Equipment Operators, Truck Drivers, Truck Driver/Draftsmen, Truck/Driver Mechanic, Secretary

Parks & Commons: - Working Foreman, Light Equipment Operator/Janitor, Laborer

Sewer: - Sewer Foreman/Supv. of Treatment Facilities and Assistant to Supv./Laborer

Landfill: - Landfill attendant

Water: - Superintendent, Equipment Operator/Laborer, Part-time Meter Reader and Secretary

The position of General Foreman of the Highway Department is considered to be supervisory and therefore excluded from the bargaining unit.

Election to be held by PELRB as expeditiously as possible under RSA 273-A:10 and PELRB Rules and Regulations, Pub 301.02.

Dated this 13th day of May, 1988.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Also present Richard E. Molan, Esq., Richard W. Roulx and Seymour Osman present and voting. Also present Executive Director, Evelyn C. LeBrun.